

EXHIBIT "E" (1 of 4)

ORIGINAL *file*

1 UNITED STATES DISTRICT

2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 DONNY A. SINKOV, as Father and
5 Potential Personal Representative of
6 SPENCER SINKOV, deceased, and the
Estate of Spencer E. Sinkov, deceased,

7 Plaintiffs,

8 -against-

9 DONALD B. SMITH, individually and in
10 his official capacity as Sheriff of
Putnam County, JOSEPH A. VASATURO,
11 individually, LOUIS G. LAPOLLA,
individually, THE COUNTY OF PUTNAM,
12 New York, and AmeriCor, INC.,

13 Defendants.
-----x

14 222 Bloomingdale Road
15 White Plains, New York
16 January 23, 2008
10:03 a.m.

17
18 EXAMINATION BEFORE TRIAL of SUSAN WATERS, a
19 witness on behalf of the Defendant AmeriCor, INC.,
20 in the above-captioned matter, held at the above
21 time and place, before a Notary Public of the
22 state of New York.

23 Donna Bochnik,
24 Shorthand Reporter
25

A P P E A R A N C E S:

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ALSO PRESENT: Donny A. Sinkov

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1
2 IT IS HEREBY STIPULATED AND AGREED,
3 by and between the attorneys for the respective
4 parties hereto, that the sealing and filing of
5 the within deposition be waived; that such
6 deposition may be signed and sworn to before any
7 officer authorized to administer an oath with
8 the same force and effect as if signed and sworn
9 to before a Justice of this Court.
10

11
12 IT IS FURTHER STIPULATED AND AGREED
13 that all objections, except as to form, are
14 reserved to the time of trial.
15

16
17 IT IS FURTHER STIPULATED AND AGREED
18 that the within examination and any corrections
19 thereto may be signed before any Notary Public
20 with the same force and effect as if signed and
21 sworn to before this Court.
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23
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25

1
2 S U S A N W A T E R S ,
3 having been duly sworn by Donna Bochnik,
4 a Notary Public within and for the State
5 of New York, was examined and testified
6 as follows:

7
8 oOo

9
10 EXAMINATION BY MS. BERG:

11 Q. State your name and address for the
12 record, please.

13 A. Susan Waters, 27 Paddock Lane,
14 Brewster, New York 10509.

15 MR. MELLER: Just before we
16 start -- off the record.

17 *(Off-the-record discussion)*

18 Q. Ms. Waters, I'm Kim Berg. I
19 represent the Sinkovs in connection with a
20 lawsuit that they've brought. I'm going to be
21 asking you some questions here today. Let me
22 know if there's anything that I say that you
23 don't understand; I'll be happy to explain it or
24 rephrase it for you.

25 A. Okay, fine.

Susan Waters

Q. With respect to your answers, if you give an answer during the deposition and later you realize you misspoke or something was incomplete, just interrupt me at any point in time - certainly, before we leave here - so that we make sure we have a complete and accurate transcript.

Do you understand all that?

A. Sure.

Q. Can you describe for me your educational background after high school.

A. I have two years of college. I have an associate's degree in nursing, applied science.

Q. And do you hold any professional licenses?

A. Yes; I'm a professional registered nurse.

Q. And in what jurisdiction are you licensed?

A. New York.

Q. Any others?

A. Not right now.

Q. Have you ever been licensed in any other jurisdictions?

Susan Waters

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2 A. Yes, I have.

3 Q. Which other jurisdictions?

4 A. Connecticut.

5 Q. When was the last time you held a
6 license in Connecticut?

7 A. I would say, five years ago.

8 Q. What were the circumstances of that
9 license coming to a close?

10 A. I did not renew it in time, and I
11 just let it lapse.

12 Q. And for how long have you held your
13 New York R.N.?

14 A. Approximately, 13 years.

15 Q. Has that license ever lapsed?

16 A. No.

17 Q. Have you ever been censured, or
18 suspended, or in any way disciplined in
19 connection with that license?

20 A. No.

21 Q. Are you currently employed?

22 A. Yes.

23 Q. In what capacity?

24 A. As a registered nurse.

25 Q. Where?

Susan Waters

1
2 A. At Putnam County Jail.

3 Q. For how long have you been employed
4 there?

5 A. Four and a half years, approximately.

6 Q. Are you employed by a company called
7 AmeriCor?

8 A. Yes, I am.

9 Q. Have you ever been employed by
10 Putnam County?

11 A. Never.

12 Q. AmeriCor came into the facility in
13 approximately mid 2003.

14 Did you start there at that time?

15 A. Yes, I did.

16 Q. And since you started working for
17 AmeriCor at the Putnam County Jail, can you
18 describe what your job duties and
19 responsibilities are.

20 A. My job duties are, on intake, to see
21 the inmate, get a medical history from him,
22 psychological history from him. We dispense
23 medications that have been ordered by the doctor,
24 psychiatrist. We do sick call. See inmates who
25 are -- have any medical problems/psychiatric

Susan Waters

problems. We order meds. That's, you know, roughly.

Q. Okay. And in terms of intake, when you say you see the inmate, that's when the inmate is coming into the facility?

A. Um-hum.

Q. You have to say yes or no.

A. Yes.

MS. BERG: Just off the record for a second.

(Off-the-record discussion)

Q. In terms of the intake process, has that changed at all during your employment for AmeriCor at the Putnam County Jail?

A. Yes.

Q. When did it change?

A. It changed roughly a year and a half ago.

Q. Do you recall if it was before or after Spencer Sinkov died?

A. After.

Q. In what way did it change?

A. We, the nurses, were trained in suicide screenings.

Susan Waters

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2 Q. Do you recall when that training
3 occurred?

4 A. No, I don't.

5 Q. Prior to working for AmeriCor, where
6 were you employed?

7 A. I was employed in New York City.

8 Q. For what business or entity?

9 A. For Nurses Professional, a nursing
10 agency.

11 Q. Did you have a regular assignment?

12 A. No.

13 Q. Did your assignment vary?

14 A. Yes.

15 Q. For how long did you work for Nurses
16 Professional?

17 A. I would say maybe 15 years.

18 Q. Since working for AmeriCor at the
19 Putnam County Jail, have you held any other
20 employment?

21 A. No.

22 Q. And in terms of your position with
23 Nurses Professional, was that a full-time position?

24 A. We were per diem, part-time per diem.

25 Q. Did you work full-time?

Susan Waters

A. After I graduated, yes, for maybe six months to a year.

Q. How about at the Putnam County Jail, do you work set hours?

A. I worked -- I started off part-time.

Q. Did that change to full-time at some point?

A. Never.

Q. So, how many hours a week do you currently work?

A. Anywhere between 16 and 24.

Q. Has that been true the entire time you've worked there?

A. Yeah.

Q. Okay. In terms of the intake procedure, you said that it changed after Spencer had died, and the nurses were trained in suicide screening.

was that like an in-service training or something else?

A. Yes, in-service.

Q. Do you know who conducted it?

A. Sergeant Greenough, G-r-e-e-n-o-u-g-h.

Q. And who attended that in-service

Susan Waters

training?

A. When -- it was -- I think there was two or three scheduled at different times to serve all the different nurses.

Q. Was it only for nursing staff?

A. And I believe the secretary came along to one of the in-services.

Q. And when you say "the secretary," you mean the secretary for AmeriCor?

A. Yes.

Q. So, it was for -- the training you attended was for AmeriCor employees?

A. Yes, that is correct.

Q. Did you receive any handouts or pamphlets or anything?

A. Yes, we did.

Q. Do you recall anything about those?

A. No.

Q. How long did the training last?

A. Eight hours.

Q. And other than that occasion, did you ever receive any training in terms of your on-the-job training, since you've worked for AmeriCor?

Susan Waters

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2 A. Well, when we started, at first we
3 were trained and we got a day's introduction to
4 AmeriCor and what our responsibilities were, by
5 Mr. Duffy.

6 Q. Would that be considered an
7 orientation?

8 A. Yeah.

9 Q. Do you recall if during that
10 orientation anything was said to you about
11 anything pertaining to suicide screening or
12 suicide prevention?

13 A. No, there was not.

14 Q. And other than that, any training in
15 the topics of suicide prevention, suicide
16 guidelines, anything along those lines, other
17 than the one you had after Spencer died?

18 A. No.

19 Q. And in other words, since that time,
20 have you had any such training?

21 A. No.

22 Q. Do you recall what topics, more
23 specifically, were covered during that suicide-
24 screening training?

25 A. We went through the current suicide

Susan Waters

screening.

Q. The form?

A. That's -- yes.

Q. Okay.

A. And we watched a video of -- for people who have been interviewed.

Q. Meaning, inmates being interviewed?

A. I'm not sure if there were inmates. It was a video that we were shown. I don't know what -- I think the county got this video from some place, and it basically showed four inmates being questioned by a social worker, and we had to try and figure out which one of them ended up committing suicide in the end.

Q. Anything else that you can recall about the training?

A. No.

Q. Were you required to attend that training?

A. Yes.

Q. And I'm going to show you what I previously marked as Plaintiff's Exhibit 32, which is a memo from Rich to All Staff, and it indicates three separate times for the training

Susan Waters

to occur. *(Handing)*

Do you see that?

A. Um-hum.

Q. You have to say yes or no.

A. Yes.

Q. Are your initials on that anywhere?

A. No, they're not.

Q. Do you recall if that was the
suicide training that you attended on either
November 4th or November 9th of '06?

A. Yes, it is.

Q. Do you remember which day you went?

A. I don't.

Q. Did you have to sign anything, any
kind of attendance sheet or book to indicate your
presence?

A. Yes, I did.

Q. Prior to the time that you received
the suicide-screening training, had you ever seen
a Suicide Prevention Guideline form at the Putnam
County Jail?

A. Yes, I had.

Q. In what connection?

A. It's on the intake. When we sign

Susan Waters

the intake, all the paperwork is there.

Q. As far as you know, has that --
withdrawn.

There's a packet of paperwork that's
completed with respect to new inmates; correct?

A. Correct.

Q. And part of it contains a medical
screening?

A. Correct.

Q. And then part of it is the Suicide
Prevention Guideline form?

A. Correct.

Q. And in terms of your role as a nurse
for AmeriCor, in the intake process before
November of 2006 when you had that training,
what, if anything, did you have to do with
respect to that packet of paperwork?

A. We looked over the medical side, the
medical page.

Q. Anything else?

A. And we asked further questions, if
needed be.

Q. About what?

A. About anything that we saw on the

Susan Waters

medical page regarding medication, surgery.

Q. Did you have to look over the suicide-screening page? Again, before November of 2006.

A. No.

Q. As a matter of your practice, did you look at the suicide-screening page?

A. Unless one of the officers pointed it to me specifically, something that he was concerned with, yes, we did look at it.

Q. Why did you look at the suicide-screening pages?

A. We would look at it if an officer pointed something out to us on the suicide screening.

Q. Oh, I'm sorry; I think I misunderstood.

A. Okay.

Q. In the event that a correction officer didn't point it out to you, would you, as a matter of your practice, look at the suicide-screening forms prior to November of '06?

A. Not always.

Q. Did you have, you know in terms of

Susan Waters

your practice, any specific situations where you would, versus where you would not, review the screening forms, other than when a correction officer brought it to your attention?

A. Yes; when I would ask an inmate if he was feeling suicidal.

Q. And did you ask that question of all incoming inmates?

A. After May of '06, whenever Mr. Sinkov committed suicide, yes, I did.

Q. How about before that time?

A. It would vary.

Q. In what way would your practice vary?

A. If I was talking to somebody who had a psychiatric history, somebody who had previous suicide attempts.

Q. And how would you know if somebody had a psychiatric history or previous suicide attempts prior to, let's say, May of 2006?

A. It would be documented on the intake sheet.

Q. So, it would be on the medical portion?

A. Yes.

Q. Were you aware of any requirement

Susan Waters

that, as the intake nurse, you sign off on the medical portion of that packet?

A. Previous to, or after?

Q. At any point.

A. We would always sign off on the intake.

Q. And when you signed off on the intake, was that to indicate that you, as the nurse, reviewed the medical portion of the intake?

A. Yes.

Q. In terms of the packet that was completed on each inmate, were the suicide screening Guideline forms part of the same packet, or were they separate pieces of paper?

A. It was the same package with the same form. There's six or eight pages to the form.

Q. Just take a look, if you would, at Plaintiff's Exhibit 7, which is a two-page document. It says "Inmate Medical Intake Record." *(Handing)*

A. Um-hum.

Q. Are you familiar with the form?

Susan Waters

A. Yes.

Q. Not necessarily the handwritten portion, but the form, itself.

A. Yes.

Q. And in terms of the second page, are you familiar with that, as well?

A. *(Witness peruses record)* Yes.

Q. And those two pages, is that the medical information that you would review prior to May of 2006?

A. Yes.

Q. And this -- again, the form, Plaintiff's Exhibit 3, are you familiar with that being the suicide-prevention form that's administered to incoming inmates?

A. Yes.

Q. And again, not the specific information on the form, but the form, itself, prior to May of 2006, would that be included in the same packet as the Inmate Medical Intake Record?

A. Yes.

Q. And when you would sign off on reviewing the Inmate Medical Intake Record, were

Susan Waters

there any set procedures that you had to follow in terms of dating or timing your review?

A. We usually wrote on here, on the front. *(Pointing on document)*

Q. So, there's a box on the front of the Inmate Medical Intake Record --

A. Yes.

Q. -- which has -- it almost looks like a stamp. It says, "Reread," the initials, and the date; correct?

A. Correct.

Q. Were you aware of any policies that AmeriCor said that required you, as a nurse, to time -- meaning, put a time of your review of those forms?

A. Yes, we did have to put a time on them.

Q. Was that true since you started working for AmeriCor?

A. Yes.

Q. Did you always do that?

A. Yes.

Q. Do you see on Exhibit 7, this particular form pertaining to Spencer Sinkov was

Susan Waters

1
2 reread by Nurse Peter Clarke?

3 A. Um-hum, yes.

4 Q. But there's no time stamp there.

5 Do you see that?

6 A. Yes.

7 Q. Do you have any understanding as to
8 why that is?

9 A. No.

10 Q. Did you ever speak with Peter Clarke
11 about anything concerning his review of any
12 records pertaining to Spencer Sinkov?

13 A. No.

14 Q. Did you ever see Exhibit 7 in the
15 format that it is in now? In other words, with
16 all of the handwriting on it.

17 A. Yes.

18 Q. When for the first time did you see
19 that?

20 A. After Spencer Sinkov committed
21 suicide.

22 Q. And under what circumstances did you
23 see that?

24 A. After he had committed suicide, we
25 came -- I came back to the medical office, and I

Susan Waters

1
2 was informed as to who the inmate was, and I
3 pulled his chart.

4 Q. And did you review it at that time?

5 A. Captain LeFever and I both reviewed
6 it together.

7 Q. Was it on May 20th, 2006, or at some
8 point after that?

9 A. It was the day Spencer Sinkov
10 committed suicide. Is that May 20th?

11 Q. Yes.

12 A. Oh, May 20th.

13 Q. And in terms of Exhibit 3 in its
14 completed state, Spencer's suicide prevention
15 screening Guideline form, when was the first time
16 you saw that?

17 A. After the suicide of Spencer Sinkov,
18 along with Captain LeFever.

19 Q. Was anybody else present when you
20 reviewed Mr. Sinkov's medical file?

21 A. There was other people in the
22 office.

23 Q. Do you recall who?

24 A. No, I don't.

25 Q. Was there any discussion about what

Susan Waters

was in the file?

A. Captain LeFever pointed to the suicide screening and said that, "This is not good."

Q. Did anybody else say anything?

A. No.

Q. Did you say anything?

A. No.

Q. Okay. Did he indicate -- that is, Captain LeFever -- why this is not good?

A. He did not indicate why he said that.

Q. When he pointed to the suicide screening, did he point to a particular portion of it or just the whole form?

A. Just the whole form, in general.

Q. At any point -- was this in the medical office?

A. Yes.

Q. At any point in time, other than Captain LeFever saying "This is not good" when he pointed to Spencer's suicide screening form, was there anything anybody else said?

A. Not to me.

Susan Waters

Q. And what happened with the medical file after you reviewed it with Captain LeFever?

A. Captain LeFever took the medical file.

Q. The original?

A. Yes.

Q. Do you recall what was in that original medical file, other than the Inmate Medical Intake Record packet?

A. No, I don't recall what else.

Q. Do you recall if there were any Progress Notes in the file?

A. I do not recall. I don't remember looking at the Progress Notes. I just looked at this. *(Indicating)*

Q. Okay. And "this" being the Inmate Medical Intake Record?

A. Yes.

Q. Do you recall if there were any referral forms in there?

A. I don't recall.

Q. Other than Captain LeFever, did you have any conversations with anybody or did anybody say anything to you about Spencer's

Susan Waters

suicide screening form?

A. No.

Q. When you looked at the file after Spencer committed suicide, did you see that Nurse Clarke had performed the intake in terms of AmeriCor's function during that booking process?

A. Yes.

Q. Did you have any conversations with Clarke at any point in time?

A. I recall speaking to him later in the day.

Q. Was this in person or by phone?

A. By phone.

Q. Do you recall what you said to him and what he said to you?

A. I talked to him. I said that the inmate -- one of the inmates had committed suicide.

Q. Did you call him to tell him that?

A. Yes.

Q. Why did you call him to tell him that?

A. Because he had seen the inmate the night before.

Q. Anything else that you said to

Susan Waters

Clarke?

A. Not that I can recall.

Q. What did Clarke say to you?

A. He was shocked.

Q. Anything else?

A. No.

Q. Did you have any conversations at any point in time with Mr. Duffy about Spencer or about the events of May 20th?

A. I spoke to him on that day.

Q. Did you contact him?

A. I did not contact him.

Q. Did you speak with him in person or by phone?

A. By phone.

Q. Was anybody else a participant to the phone call?

A. My -- the supervisor at the time, Rich DiMattio.

Q. And where were you at the time of the call?

A. I called Rich after the suicide.

Q. And did Rich patch in Mr. Duffy?

A. And Rich said that he would call

Susan Waters

Mr. Duffy.

Q. So, you were on the phone when he called Duffy?

A. I was not on the phone. Rich was at his home, and I spoke to Rich.

Q. What did you say to Rich, and what did he say to you?

A. I said to Rich, "We've had an inmate commit suicide."

Q. And what did he say?

A. He said he was on his way in to work, and that he would --

Q. Anything else?

A. That he would call Mr. Duffy.

Q. Anything else that you said or that he said?

A. Not that I can recall.

Q. And then, you spoke with Duffy?

A. I spoke with Duffy later on that afternoon.

Q. In between speaking with DiMattio and speaking with Duffy, did you have conversations with anybody else about Spencer?

A. Yes, I did.

Susan Waters

Q. Who did you speak with?

A. I spoke to Investigator DePerno.

Q. Did you give DePerno a statement?

A. Yes, I did.

Q. Other than DePerno, anybody else?

A. The officers that were all involved that were on duty that day, we were all kind of just talking back and forth: "Are you all right?" "Are you okay?" Just...

Q. Do you recall who was on duty that day?

A. Yes.

Q. Who was it?

A. Sergeant Jackson was the shift supervisor, Sergeant Karen Jackson.

Q. Anybody else that you can recall was on duty?

A. Officer Wendover, Officer Bartley, officer Oliver, Officer Blanchard. One other officer; I don't remember his name right now.

Q. Okay. Do you recall anything specific that you said to any of these officers or the sergeant, or anything that they said to you, other than what you indicated earlier --

Susan Waters

A. No.

Q. -- to the effect of, "Are you okay?"

A. Um-hum. No. No.

Q. When you spoke with Duffy, was anybody else part of that phone call?

A. No.

Q. What did you say to him, and what did he say to you?

A. He done most of the talking.

Q. What did he say?

A. He wanted to know if I was all right, was I doing okay, and if I needed to speak to -- if I needed to speak to a counselor.

Q. Anything else that he said to you?

A. No.

Q. Do you recall what you said to him?

A. I told him, right now, I was okay.

Q. Did you discuss anything with him about Spencer, specifically?

A. No, I did not.

Q. At any point in time, did you have any conversations with Duffy - you know, from May 20th until now - about Spencer Sinkov?

A. No, I did not.

Susan Waters

Q. Did he ever ask you any questions about your interactions with Spencer?

A. No, he did not.

Q. Did he ever conduct any investigation as far as you know?

A. I don't know.

Q. How about DiMattio - did he ever ask you any questions about Spencer or your involvement with Spencer?

A. Yes.

Q. Do you recall when he asked you those questions?

A. When he came in to the medical office that day.

Q. Okay. What did you say to him; what did he say to you?

A. We went over what happened.

Q. Do you recall specifically what he asked you?

A. I don't.

Q. Do you recall what you told him?

A. No, I don't.

Q. Did you review any paperwork with DiMattio?

Susan Waters

A. No.

Q. Did you keep any notes or documents in any way, anything about May 20th or your interactions with Spencer?

A. I wrote notes in the progress file.

Q. Other than that?

A. No.

Q. Do you recall anything at all that you said to DiMattio when he questioned you about May 20th, 2006?

A. We just talked about the whole thing; what happened, basically, from beginning to end.

Q. Okay. Anything that you can recall telling him, the substance or the gist of it?

A. Nothing specific.

Q. You can't recall anything?

A. Nothing specifically, no. Just that -- what happened and how it was terrible, and I was kind of in shock.

Q. When you say you told him what happened, what do you mean by that?

A. How it all happened. How I got the phone call. How I went around. What I seen.

Susan Waters

What I done.

Q. What did you tell him about how you got the phone call?

A. I received a phone call from an officer.

Q. Do you recall which one?

A. He doesn't work there anymore. Oh, Officer Piazza.

Q. And what was Piazza's communication to you during that call?

A. I think, "You are needed in North Housing."

Q. North Housing?

A. Yes.

Q. Anything else?

A. No.

Q. And then, what did you tell DiMattio about what you saw?

A. I told him when I went around to North Housing, that I saw Mr. Sinkov, hanging from the bars.

Q. Then, what did you tell Mr. DiMattio, if anything else, about what you observed?